IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1159 OF 2006

Shri Rajendrasingh Shekhawat ...Applicant

V/s

The State of Maharashtra ...Respondent.

Mr. Niranjan Mundergi for the applicant.
Ms. M.H. Mhatre, APP for the State.
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CORAM: V.M. KANADE, J.

DATE: 28th April, 2006

P.C.

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. It is alleged that the applicant was paid an amount of Rs 5 lakhs by the original accused No.1. The offence under section 408, 409, 420, 467, 471 read with section 34 is registered against one Prathamesh Sharma who has allegedly misused his position and issued several cheques to various persons and misappropriated the said mount. It is alleged that an amount of Rs 5 lakhs was given to the present applicant.

3. During the course of arguments, the learned Counsel appearing on behalf of the applicant submitted that the applicant is willing to deposit the said amount of Rs 5 lakhs in this Court. Accordingly, the applicant has deposited the said amount.

4. Looking at the facts of the case and the role which is attributed to the applicant, in my view, the applicant is entitled to be granted an anticipatory bail. The applicant, therefore, in the event of his arrest in connection with C.R. No. 42 of 2006 Parksite Nagar Police Station, Vikhroli which is registered at the instance of Shri Jitendra Premjibhai Mirani, be released on bail in the sum of Rs 10,000/- with one or two sureties in the like amount. The Investigating Officer is permitted to withdraw this amount of Rs 5 lakhs and deposit this amount in the trial court. It is clarified that the amount of Rs 5 lakhs which has been deposited by the applicant is without prejudice to the rights and contentions of the applicant.

5. Application is accordingly disposed of in the above terms.

**V.M. KANADE, J.**